IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 25232 of 2004

Between:

M/s.Vijayalaxmi Industries,Plot No.B1,

Industrial Estage, Sultanabad, Tenali, Guntur.

..... PETITIONER

AND

1. The Assistant Provident Fund Commissioner,

Sub-Regional Office, Laxmipuram Guntur.

2. The Recovery Officer and Regional P.F.Commissioner,

Employees Provident Fund,Sub-Regional Officer, Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or direction in the nature of mandamus declaring that the action of the respondents in passing the order dt.24.4.2003 and also order of attachment in No.AP/SRO/GNT/33304/Recy.Cell/Rc.No.G.22-04/04/174, dt.15.7.2004 attaching the house of the petitioner is highly arbitrary and illegal.

Counsel for the Petitioner: MR.P.PRABHAKAR REDDY

Counsel for the Respondent No.: MR.Ch.Laxmikanth.

The Court at the stage of admission made the following :

THE HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.25232 OF 2004

ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents and with their consent, the writ petition is disposed of at the stage of admission.

The petitioner claims to be a cottage industry used to engage 5 to 10 labourers, as and when required and not covered by the provisions of the Employees Provident Fund Act. It is also stated that without issuing any notice, the respondents have initiated proceedings against the petitioner and determined an amount of Rs.2,46,412-60 Ps towards provident fund dues for the period of 1/2001 to 12/2002 and directed the petitioner to pay the said amount within 7 days. Thereafter, a demand notice dated 8-3-2004 was issued demanding the petitioner to pay the due amount. Since, due amount was not paid an order dated
15-7-2004 was issued ordering attachment of the immovable property. Questioning

the said order, the present writ petition is filed.

Though, several contentions were raised, learned counsel for petitioner submitted that no opportunity was afforded to the petitioner as per section 7 (A) (3) of the Act, and it intends to file a review application before the first respondent.

The learned Standing Counsel for the respondents submitted that the petitioner may be permitted to file the review application subject to payment of half of the demanded amount.

In the above circumstances, I deem it appropriate to dispose of the writ petition granting liberty to the petitioner to file a review application before the first respondent within a period of two weeks from the date of receipt of copy of this order, subject to payment of half of the demanded amount, within a period of four weeks time from today. Till such time, respondents are directed not to take any coercive steps.

The writ petition is disposed of with the above observations. No costs.

31.12.2004.

mdaa/tvk

Copy to:

1.The Assistant Provident Fund Commissioner,

Sub-Regional Office, Laxmipuram Guntur.

2.The Recovery Officer and Regional P.F.Commissioner,

Employees Provident Fund,Sub-Regional Officer, Guntur.

3. Two C.D.copies.